



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,130	08/26/2003	HiroYuki Yoshida	13425.37US01	3215

23552 7590 04/13/2005

MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER

SPISICH, GEORGE D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,130

Applicant(s)

YOSHIDA ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/26/03, 4/16/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 3/10/05</u> .                     |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2,3 and 5, line 3 there is claimed mounts at four or more points. In line 10 (claim 2) and line 14 (claim 3 and 5) there is then referred to "another portion". It is unclear if the "another portion" is one of the other of the front and rear, or if it is a portion in addition to the front and rear mounts.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 329 877 (provided in Applicant's IDS) in view of von Sivers (USPN 4,531,761) and in further view of Kami et al. (USPN 5,560,651).

GB '877 discloses a subframe mount structure where a subframe (18) is mounted on a vehicle body through mounts (20,22,24,26) at four or more points, among which two points are located on both sides in lateral directions of a front portion of the subframe and two points are located on both sides in lateral directions of a rear portion of the subframe.

The mounts at points located on both sides in lateral directions of one of the front and rear portions of the each have a fracture stress upon crash greater than that which the mounts at the points located on both sides in lateral directions of another portion (the other of the front or rear) of the subframe have.

Although GB '877 discloses bushes (28) that are used in the mounts, it is not specifically disclosed that these members are elastic nor any detail of the connection of the mounts other than disclosing the mounts include fixing bolts (not shown) (page 5, lines 15-17). Also, GB '877 discloses that the subframe supports an engine or a rear suspension or a mid-mounted powertrain (page 7, lines 4-6), but does not specifically disclosed a linkage for supported the suspension or power unit.

Von Sivers discloses a connection for a subframe and the mount includes an internal tube (6) arranged in an orientation such that an axis thereof extends in a vertical direction and fastened with a bolt (31) to the vehicle body, and an external tube (8,8') enclosing the internal tube and attached to the subframe and an elastic body (7,7')

provided in the space between the internal tube and the external tube. This arrangement provides vibration isolation.

The mount/connection of von Sivers is disclosed to have a first member (24') attached to the vehicle body and a second member (14') attached to the subframe and the elastic body (7') is provided between the first and second members. This arrangement includes first and second members one (24') of which is attached with a bolt (31) and a bolt fastened portion (25) thereof has what is a "cutaway portion" (an enlarged hole area). The bolt is "disengageable" out of a bolt hole through the cutaway portion contiguous with the bolt hole in one of a vertical and horizontal direction.

Kami et al. discloses the well-known aspect of providing a "linkage" (9 sub 1) attached to a subframe for connecting to a suspension. This linkage is near the mounting portion of the subframe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subframe of GB '877 by provided elastic mount connections as taught by von Sivers so as to provide vibration isolation and further provide a "linkage" near the elastic mount for connecting the subframe to a suspension or power unit as is well-known and taught by Kami et al.

***Allowable Subject Matter***

Claim 1 is allowed.

Art Unit: 3616

Prior art does not disclose a subframe having elastic mounts at six points, where two mounts are on the side of the front of the subframe, two mounts are on the side of the middle of the subframe and two mounts are on the side of the rear of the subframe and the mount on the side of the middle of the subframe have a smaller fracture stress upon crash of the front or rear mounts.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fuestel et al. (USPN 3,869,017), Ohtake et al. (USPN 5,074,374), Norlin (USPN 4,440,435), Nilsson et al. (USPN 4,266,630), Bortz et al. (USPN 6,109,629), Kocet et al. (USPN 6,120,060), Brown et al. (USPN 6,193,274), Kunert et al. (USPN 6,511,096).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:30 to 7:00 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich  
April 2, 2005



PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600